

# DEPARTMENT OF MARINE RESOURCES

## NOTICE OF AGENCY RULE-MAKING PROPOSAL

### Chapter 26 Sea Urchin Regulations

**SUMMARY:** The proposed 2003-2004 season for sea urchins and other related harvesting regulations are attached with the individual subject title and concise summary preceding each separate rulemaking item. Public hearings will be held and Margaret Hunter is the staff contact, see below. The written comment deadline period begins with the public notice on June 11<sup>th</sup> and the deadline for written comments is Saturday, July 12, 2003. If you fax or email your comment please back it up with a hard copy in the mail to ensure that it is received.

**STATUTORY AUTHORITY:** 12 M.R.S.A. §6171, §6171-A and §6749

#### **PUBLIC HEARINGS:**

**Tuesday, July 1, 2003, 6:00 p.m.,** Lincoln County Communications Center Conference Room, Route 1 (lower entrance behind the courthouse), **Wiscasset**

The Zone 1 season and other Zone 1 proposed rules will be followed by proposed rules for Zone 2.

**Wed., July 2, 2003, 6:00 p.m., Ellsworth** City Hall Auditorium, 1 City Hall Plaza, Ellsworth

The proposed Zone 2 season and other Zone 2 rules will be followed by proposed rules for Zone 1.

**DEADLINE FOR COMMENTS:** Saturday, July 12, 2003

**AGENCY CONTACT PERSON:** Margaret Hunter

**EMAIL ADDRESS:** [Margaret.Hunter@Maine.gov](mailto:Margaret.Hunter@Maine.gov)

**AGENCY NAME:** Department of Marine Resources

**ADDRESS:** PO Box 8  
West Boothbay Harbor, Maine 04575-0008

**WEB SITE:** [www.maine.gov/dmr/rulemaking](http://www.maine.gov/dmr/rulemaking)

**TELEPHONE:** (207) 633-9500

**FAX:** (207) 633-9579

**TTY:** (207) 633-9500 or 287-4474 (Deaf/Hard of Hearing)

**Hearing facilities:** If you require accommodations due to disability, please contact Deborah Everett, at (207) 624-6567.

---

***Proposed regulations for Chapter 26 Sea Urchins:***

## Chapter 26.07 Sea Urchin Harvesting Season ~~2002-2003~~ 2003-2004

### Chapter 26.07(1) Zone 1

**CONCISE SUMMARY:** For purposes of conservation pursuant to 12 M.R.S.A. §6171, §6171-A and §6749 this regulation establishes season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in **Zone 1** for 2003-2004. The Sea Urchin Zone Council recommended this season, which would have the same number of total days as the 2002-2003 season, 94 days for divers, trappers and rakers; and the dragger season would be 84 days compared to 94 days in 2002-2003 season.

#### 26.07 Sea Urchin Harvesting Season ~~2002-2003~~ 2003-2004

##### ~~1. Definitions~~

- ~~A. Zone 1. All coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker BW "11" located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to channel marker #9 east of Great Spruce Head located in the Town of Northport, then running southerly to Graves channel marker northeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy east of Rockland harbor, then running southerly to the TB1 whistle southwest of Junken Ledge, then running south-easterly to Red Nun #10 buoy at Foster Ledges, then running due south magnetic to the boundary of the State's coastal waters.~~
- ~~B. Zone 2. All coastal waters east of that line established above in subsection 1, including all coastal waters of the Penobscot River north of Fort Point State Park.~~

##### ~~2. Season:~~

###### ~~A. Zone 1.~~

##### 1. Zone 1.

Zone 1 as defined pursuant to 12 M.R.S.A. §6749-N(1) shall be open from September 38, 2003 to March 2018, 2004 inclusive.

##### Prohibitions:

- A.(1) Divers, trappers, and rakers are prohibited from harvesting sea urchins on Saturdays and Sundays in October, November, January, and February; on Mondays, Thursdays and Fridays in October, November, and January; on Sundays in September and January; September 7 and 14; October 10, 11, and 22; November 1, 7, 8, 14, 28, and 29; December 1, 7, 8, 12, 15, 25, 26, 28, and 29; January 1, 2, 9, 24, 30, and 31; and February 17 to March 20 inclusive. and on September 13 and 27; October 9, 10, 16, 17, 24, and 31; November 12 and 26; December 6, 7, 11, 12, 24, 25, and 31; January 1, 8, 9, 10, 15 to 24, 30, and 31; February 13, and February 20 to March 18 inclusive.
- B.(2) Draggers are prohibited from harvesting sea urchins during the months of September, October, and November; December 12 and 25; January 1, 4, 9, 11, 18, and 25; February 13, 21, and 28; March 1, 7, 8, 13, and 15; December 6, 11, 25, and 27; January 1, 8, 10, 17, 23, 24, 31; February 7, 12, 14, 20, 21, 27, and 28; and March 5 to 7, and 11 to 14 inclusive.

# Proposed 2003-04 Maine Sea Urchin Season for Zone 1

## Divers, Rakers, and Trappers

**X** = Closed

**□** = Open

September 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	X	X	X	X	X	X
7	8	9	10	11	12	13
X						X
14	15	16	17	18	19	20
X						
21	22	23	24	25	26	27
X						X
28	29	30				
X						

October 2003						
S	M	Tu	W	Th	F	S
			1	2	3	4
						X
5	6	7	8	9	10	11
X				X	X	X
12	13	14	15	16	17	18
X				X	X	X
19	20	21	22	23	24	25
X				X	X	X
26	27	28	29	30	31	
X				X		

November 2003						
S	M	Tu	W	Th	F	S
						1
						X
2	3	4	5	6	7	8
X				X	X	X
9	10	11	12	13	14	15
X			X	X	X	X
16	17	18	19	20	21	22
X				X	X	X
23	24	25	26	27	28	29
X			X	X	X	X
30						
X						

December 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
						X
7	8	9	10	11	12	13
X				X	X	
14	15	16	17	18	19	20
21	22	23	24	25	26	27
			X	X		
28	29	30	31			
			X			

January 2004						
S	M	Tu	W	Th	F	S
				1	2	3
				X		
4	5	6	7	8	9	10
X				X	X	X
11	12	13	14	15	16	17
X				X	X	X
18	19	20	21	22	23	24
X	X	X	X	X	X	X
25	26	27	28	29	30	31
X					X	X

February 2004						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
X						X
8	9	10	11	12	13	14
X					X	X
15	16	17	18	19	20	21
X					X	X
22	23	24	25	26	27	28
X	X	X	X	X	X	X
29						
X						

March 2004						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	X	X	X	X	X	X
7	8	9	10	11	12	13
X	X	X	X	X	X	X
14	15	16	17	18	19	20
X	X	X	X	X	X	X
21	22	23	24	25	26	27
X	X	X	X	X	X	X
28	29	30	31			
X	X	X	X			

April 2004						
S	M	Tu	W	Th	F	S
				1	2	3
				X	X	X
4	5	6	7	8	9	10
X	X	X	X	X	X	X
11	12	13	14	15	16	17
X	X	X	X	X	X	X
18	19	20	21	22	23	24
X	X	X	X	X	X	X
25	26	27	28	29	30	
X	X	X	X	X	X	

## Draggers

**X** = Closed

**□** = Open

September 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	X	X	X	X	X	X
7	8	9	10	11	12	13
X	X	X	X	X	X	X
14	15	16	17	18	19	20
X	X	X	X	X	X	X
21	22	23	24	25	26	27
X	X	X	X	X	X	X
28	29	30				
X	X	X				

October 2003						
S	M	Tu	W	Th	F	S
			1	2	3	4
			X	X	X	X
5	6	7	8	9	10	11
X	X	X	X	X	X	X
12	13	14	15	16	17	18
X	X	X	X	X	X	X
19	20	21	22	23	24	25
X	X	X	X	X	X	X
26	27	28	29	30	31	
X	X	X	X	X	X	

November 2003						
S	M	Tu	W	Th	F	S
						1
						X
2	3	4	5	6	7	8
X	X	X	X	X	X	X
9	10	11	12	13	14	15
X	X	X	X	X	X	X
16	17	18	19	20	21	22
X	X	X	X	X	X	X
23	24	25	26	27	28	29
X	X	X	X	X	X	X
30						
X						

December 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
						X
7	8	9	10	11	12	13
				X		
14	15	16	17	18	19	20
21	22	23	24	25	26	27
			X			X
28	29	30	31			

January 2004						
S	M	Tu	W	Th	F	S
				1	2	3
				X		
4	5	6	7	8	9	10
				X		X
11	12	13	14	15	16	17
						X
18	19	20	21	22	23	24
				X	X	
25	26	27	28	29	30	31
					X	X

February 2004						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
						X
8	9	10	11	12	13	14
				X		X
15	16	17	18	19	20	21
					X	X
22	23	24	25	26	27	28
				X	X	
29						

March 2004						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
				X	X	X
7	8	9	10	11	12	13
X				X	X	X
14	15	16	17	18	19	20
X				X	X	X
21	22	23	24	25	26	27
X	X	X	X	X	X	X
28	29	30	31			
X	X	X	X			

April 2004						
S	M	Tu	W	Th	F	S
				1	2	3
				X	X	X
4	5	6	7	8	9	10
X	X	X	X	X	X	X
11	12	13	14	15	16	17
X	X	X	X	X	X	X
18	19	20	21	22	23	24
X	X	X	X	X	X	X
25	26	27	28	29	30	
X	X	X	X	X	X	

## Chapter 26.07 Sea Urchin Harvesting Season ~~2002-2003~~ 2003-2004

### Chapter 26.07(2) Zone 2

**CONCISE SUMMARY:** For purposes of conservation pursuant to 12 M.R.S.A. §6171, §6171-A and §6749 this regulation establishes season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in **Zone 2** for 2003-2004. The Sea Urchin Zone Council recommended this season, which includes the choice of two separate seasons for Zone 2 harvesters as authorized by 12 M.R.S.A. §6749, and would have the same total number of available days as the 2002-2003 season - 94 days for divers, trappers, rakers, and draggers - but would close the western half of the zone for 10 of those days.

#### 26.07 Sea Urchin Harvesting Season ~~2002-2003~~ 2003-2004

##### 1. Definitions

- ~~A. Zone 1. All coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker BW "11" located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to channel marker #9 east of Great Spruce Head located in the Town of Northport, then running southerly to Graves channel marker northeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy east of Rockland harbor, then running southerly to the TB1 whistle southwest of Junken Ledge, then running south easterly to Red Nun #10 buoy at Foster Ledges, then running due south magnetic to the boundary of the State's coastal waters.~~
- ~~B. Zone 2. All coastal waters east of that line established above in subsection 1, including all coastal waters of the Penobscot River north of Fort Point State Park.~~

##### 2. Season:

~~B.~~

##### 2. Zone 2.

Zone 2 as defined pursuant to 12 M.R.S.A. §6749-N(2) shall have the following season:

##### A. Early season.

The Zone 2 season, for divers, trappers, rakers and draggers who have certified the early season on forms provided by the Commissioner, is open October 1, 2003 to March 19, 2004 inclusive.

##### Prohibitions:

(1) Divers, trappers, rakers, and draggers are prohibited from harvesting sea urchins on Saturdays and Sundays from October 4 to March 14 inclusive and on Fridays in January; October 3, 9, 17, 24 and 31; November 7, 13, 27, and 28; December 5, 11, 24, 25, 26, and 31; January 1 and 8; February 12 and 16 to 20 inclusive; and March 11.

(2) Harvesting sea urchins is prohibited in Zone 2 west of a line beginning at Schoodic Point in Hancock County, running thence true south to the boundary of the State's coastal waters, from March 5 to March 21 inclusive.

##### B. Late season.

The Zone 2 season, for divers, trappers, rakers, and draggers who have certified the late season on forms provided by the Commissioner, is open November 3, 2003 to April 21, 2004 inclusive.

##### Prohibitions:

(1) Divers, trappers, rakers, and draggers are prohibited from harvesting sea urchins on Saturdays and Sundays from November 8 to April 18 inclusive, and Fridays in January and April; November 7, 13, 27, and 28; December 5, 11, 24, 25, 26, and 31; January 1 and 8; February 12 and 16 to 20 inclusive; March 11 and 26, and April 8.

(2) Harvesting sea urchins is prohibited in Zone 2 west of a line beginning at Schoodic Point in Hancock County, running thence true south to the boundary of the State's coastal waters, from March 5 to March 21 inclusive.

~~B. The Zone 2 season for divers, trappers, rakers and draggers who have certified the early season on forms provided by the Commissioner is October 1 to March 20 inclusive.~~

~~Prohibitions:~~

~~(1) Divers, trappers, rakers, and draggers are prohibited from harvesting sea urchins on Saturdays and Sundays from October 5 to March 16 inclusive and on Fridays in October, November, and March; October 10 and 24; November 14; December 6, 12, 13, 24, and 25; January 1, 9, 17, 24, and 31; February 7, 13, 21, and 28; and March 13.~~

~~C. The Zone 2 season for divers, trappers, rakers, and draggers who have certified the late season on forms provided by the Commissioner is November 4 to April 21 inclusive.~~

~~Prohibitions:~~

~~(1) Divers, trappers, rakers, and draggers are prohibited from harvesting sea urchins on Saturdays and Sundays from November 9 to April 20 inclusive and Fridays in November and March; November 14; December 6, 12, 13, 24, and 25; January 1, 9, 17, 24, and 31; February 7, 13, 21, 28; March 13, and April 10, 11, and 18.~~

~~3.~~

C. Designation of Zone 2 early or late season:

(1)A. A person who owns a sea urchin harvesting license for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.

(2)B. A person who has certified the early or late season may, between May 1<sup>st</sup> and September 30<sup>th</sup>, change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

# Proposed 2003-04 Maine Sea Urchin Season for Zone 2

\*Note: Zone 2 will be closed from March 5 through March 21 west of Schoodic Point.

## Early Season

**X** = Closed

= Open

**E** = Open East of Schoodic Pt only

September 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	X	X	X	X	X	X
7	8	9	10	11	12	13
X	X	X	X	X	X	X
14	15	16	17	18	19	20
X	X	X	X	X	X	X
21	22	23	24	25	26	27
X	X	X	X	X	X	X
28	29	30				
X	X	X				

October 2003						
S	M	Tu	W	Th	F	S
			1	2	3	4
					X	X
5	6	7	8	9	10	11
X				X		X
12	13	14	15	16	17	18
X					X	X
19	20	21	22	23	24	25
X				X		X
26	27	28	29	30	31	
X					X	

November 2003						
S	M	Tu	W	Th	F	S
						1
						X
2	3	4	5	6	7	8
X					X	X
9	10	11	12	13	14	15
X				X		X
16	17	18	19	20	21	22
X						X
23	24	25	26	27	28	29
X				X	X	X
30						
X						

December 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
					X	X
7	8	9	10	11	12	13
X				X		X
14	15	16	17	18	19	20
X						X
21	22	23	24	25	26	27
X			X	X	X	X
28	29	30	31			
X			X			

January 2004						
S	M	Tu	W	Th	F	S
				1	2	3
				X	X	X
4	5	6	7	8	9	10
X				X	X	X
11	12	13	14	15	16	17
X				X		X
18	19	20	21	22	23	24
X				X		X
25	26	27	28	29	30	31
X				X	X	

February 2004						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
X						X
8	9	10	11	12	13	14
X				X		X
15	16	17	18	19	20	21
X	X	X	X	X	X	X
22	23	24	25	26	27	28
X						X
29						
X						

March 2004						
S	M	Tu	W	Th	F	S
	1	2	3	4	5*	6
					E	X
7	8	9	10	11	12	13
X	E	E	E	X	E	X
14	15	16	17	18	19	20
X	E	E	E	E	E	X
21	22	23	24	25	26	27
X	X	X	X	X	X	X
28	29	30	31			
X	X	X	X			

April 2004						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

## Late Season

**X** = Closed

= Open

**E** = Open East of Schoodic Pt only

September 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	X	X	X	X	X	X
7	8	9	10	11	12	13
X	X	X	X	X	X	X
14	15	16	17	18	19	20
X	X	X	X	X	X	X
21	22	23	24	25	26	27
X	X	X	X	X	X	X
28	29	30				
X	X	X				

October 2003						
S	M	Tu	W	Th	F	S
			1	2	3	4
			X	X	X	X
5	6	7	8	9	10	11
X	X	X	X	X	X	X
12	13	14	15	16	17	18
X	X	X	X	X	X	X
19	20	21	22	23	24	25
X	X	X	X	X	X	X
26	27	28	29	30	31	
X	X	X	X	X	X	

November 2003						
S	M	Tu	W	Th	F	S
						1
						X
2	3	4	5	6	7	8
X					X	X
9	10	11	12	13	14	15
X				X		X
16	17	18	19	20	21	22
X						X
23	24	25	26	27	28	29
X				X	X	X
30						

December 2003						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
					X	X
7	8	9	10	11	12	13
X				X		X
14	15	16	17	18	19	20
X						X
21	22	23	24	25	26	27
X			X	X	X	X
28	29	30	31			
X			X			

January 2004						
S	M	Tu	W	Th	F	S
				1	2	3
				X	X	X
4	5	6	7	8	9	10
X				X	X	X
11	12	13	14	15	16	17
X				X		X
18	19	20	21	22	23	24
X				X		X
25	26	27	28	29	30	31
X				X	X	

February 2004						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
X						X
8	9	10	11	12	13	14
X				X		X
15	16	17	18	19	20	21
X	X	X	X	X	X	X
22	23	24	25	26	27	28
X						X
29						
X						

March 2004						
S	M	Tu	W	Th	F	S
	1	2	3	4	5*	6
					E	X
7	8	9	10	11	12	13
X	E	E	E	X	E	X
14	15	16	17	18	19	20
X	E	E	E	E	E	X
21	22	23	24	25	26	27
X				X		X
28	29	30	31			
X						

April 2004						
S	M	Tu	W	Th	F	S
				1	2	3
					X	X
4	5	6	7	8	9	10
X				X	X	X
11	12	13	14	15	16	17
X				X		X
18	19	20	21	22	23	24
X				X	X	X
25	26	27	28	29	30	
X	X	X	X	X	X	

## Chapter 26.02 Sea Urchin Minimum Size and Tolerances

**CONCISE SUMMARY:** For purposes of conservation pursuant to 12 M.R.S.A. §6171 and §6749-C this regulation would require all **Zone 1** Divers to "cull on bottom", that is, to be more size-selective while harvesting, allowing a 20% tolerance. The tolerance of 5% after culling for all harvesters in both zones would not change. The Sea Urchin Zone Council has recommended this proposed regulation to the Commissioner.

### 26.02 Sea Urchin Minimum Size and Tolerances

#### 1. Prohibition

It is unlawful for any person to take, possess, ship, transfer, transport, buy, or sell a sea urchin having a shell measuring less than  $2\frac{1}{16}$  inches in the longest diameter, measuring from the top or bottom of the urchin, exclusive of spines.

#### 2. Exceptions to 26.02(1) Prohibition

##### A. Possession Tolerance for All Persons

Any person may possess sea urchins measuring less than  $2\frac{1}{16}$  inches if they comprise less than 5% of any bulk pile.

##### B. Take Tolerance for Harvesters

###### (1) Zone 1 Divers

Zone 1 divers may take sea urchins that are less than  $2\frac{1}{16}$  inches if they comprise less than 20% of any bulk pile prior to culling on board.

###### (2) Take Tolerance for All Other Harvesters

All licensed sea urchin harvesters except Zone 1 divers may take sea urchins that are less than  $2\frac{1}{16}$  inches prior to culling board.

##### C. Sea Urchins Obtained Outside the State of Maine

Any person exceeding the possession tolerance of this regulation for sea urchins measuring less than  $2\frac{1}{16}$  inches shall not be in violation of Chapter 26.02 if that person is in possession of a bill of lading for the amount of the sea urchins exceeding the tolerance amount showing those sea urchins were lawfully obtained from an origin outside the State of Maine. The absence of a bill of lading shall be prima facie evidence that the sea urchins were taken from waters within the jurisdiction of the State of Maine.

#### 3. Tolerance

Tolerance shall be determined by numerical count of not less than  $\frac{1}{2}$  bushel taken at random from various parts of the bulk pile or by count of the entire bulk pile if it contains less than  $\frac{1}{2}$  bushel.

If any person is found in possession of sea urchins measuring less than  $2\frac{1}{16}$  inches that comprise more than 5% of the bulk pile pursuant to 26.02(2)(A) or 20% pursuant to 26.02(2)(B)(1), that bulk pile shall be considered contraband and subject to seizure.

#### 4. Culling Requirement

Sea urchins measuring less than  $2\frac{1}{16}$  inches must be culled on board immediately after take, and liberated alive into the marine waters.

It is unlawful for a person to take, possess, ship, transport, buy, or sell a sea urchin having a shell measuring less than  $2\frac{1}{16}$  inches in the longest diameter, measuring from the top or bottom of the

~~urchin, exclusive of spines. A violation of this regulation does not occur if a harvested sea urchin measuring less than  $2\frac{1}{16}$  inches is culled on board immediately after harvesting and is thereupon liberated alive into the marine waters.~~

~~Any person may possess sea urchins that are less than  $2\frac{1}{16}$  inches if they comprise less than 5% of any bulk pile. This tolerance shall be determined by numerical count of not less than  $\frac{1}{2}$  bushel taken at random from various parts of the bulk pile or by count of the entire bulk pile if it contains less than  $\frac{1}{2}$  bushel.~~

~~If any person is found in possession of sea urchins less than  $2\frac{1}{16}$  inches that comprise more than 5% of the bulk pile, that bulk pile shall be considered contraband and subject to seizure.~~

~~Any person exceeding the possession tolerance of this regulation for sea urchins less than  $2\frac{1}{16}$  inches shall not be in violation of Chapter 26.02 if that person is in possession of a bill of lading for the amount of the sea urchins exceeding the tolerance amount showing those sea urchins were lawfully obtained from an origin outside the State of Maine. The absence of a bill of lading shall be prima facie evidence that the sea urchins were taken from waters within the jurisdiction of the State of Maine.~~

## Chapter 26.03 Sea Urchin Maximum Size and Tolerances

**CONCISE SUMMARY:** For purposes of conservation pursuant to 12 M.R.S.A. §6171 and §6749 this regulation would require all **Zone 1** Divers to "cull on bottom", that is, to be more size-selective while harvesting, allowing a 20% tolerance. The tolerance of 5% after culling for all harvesters in both zones would not change. The Sea Urchin Zone Council has recommended this proposed regulation to the Commissioner.

### 26.03 Sea Urchin Maximum Size and Tolerances

#### 1. Prohibition

It is unlawful for any person to take, possess, ship, transfer, transport, buy, or sell a sea urchin having a shell measuring more than 3 inches in the longest diameter, measuring from the top or bottom of the urchin, exclusive of spines.

#### 2. Exceptions to 26.03(1) Prohibition

##### A. Possession Tolerance for All Persons

Any person may possess sea urchins measuring more than 3 inches if they comprise less than 5% of any bulk pile.

##### B. Take Tolerance for Harvesters

###### (1) Zone 1 Divers

Zone 1 divers may take sea urchins that are more than 3 inches if they comprise less than 20% of any bulk pile prior to culling on board.

###### (2) Take Tolerance for All Other Harvesters

All licensed sea urchin harvesters except Zone 1 divers may take sea urchins that are more than 3 inches prior to culling on board.

##### C. Sea Urchins Obtained Outside the State of Maine

Any person exceeding the possession tolerance of this regulation for sea urchins measuring more than 3 inches shall not be in violation of Chapter 26.03 if that person is in possession of a bill of lading for the amount of the sea urchins exceeding the tolerance amount showing those sea urchins were lawfully obtained from an origin outside the State of Maine. The absence of a bill of lading shall be prima facie evidence that the sea urchins were taken from waters within the jurisdiction of the State of Maine.

### 3. Tolerance

Tolerance shall be determined by numerical count of not less than  $\frac{1}{2}$  bushel taken at random from various parts of the bulk pile or by count of the entire bulk pile if it contains less than  $\frac{1}{2}$  bushel.

If any person is found in possession of sea urchins measuring more than 3 inches that comprise more than 5% of the bulk pile pursuant to 26.03(2)(A) or 20% pursuant to 26.03(2)(B)(1), that bulk pile shall be considered contraband and subject to seizure.

### 4. Culling Requirement

Sea urchins measuring more than 3 inches must be culled on board immediately after take, and liberated alive into the marine waters.

## **Chapter 26.06 Sea Urchin Catch Bag Mesh Regulation for Zone 2**

**CONCISE SUMMARY:** For purposes of conservation pursuant to 12 M.R.S.A. §6171 and §6749 this regulation would require all **Zone 2** Divers and Rakers to use catch bags that have mesh openings that are no less than  $2\frac{3}{8}$  inches between knots. The Sea Urchin Zone Council has recommended this proposed regulation to the Commissioner.

### **26.06 Sea Urchin Catch Bag Mesh Regulation for Zone 2**

#### **1. Catch Bag Mesh Size for Zone 2**

It shall be unlawful for a sea urchin diver or raker to fish for or take sea urchins in Zone 2 using a bag having a mesh opening of less than  $2\frac{3}{8}$  inches between knots. It shall also be unlawful to possess a bag having a mesh opening of less than  $2\frac{3}{8}$  inches between knots on board any vessel which is fishing for or taking sea urchins in Zone 2, or which is engaged in the transfer or transport of sea urchins taken by Zone 2 divers or rakers.

**Chapter 26.01                      Nighttime Harvesting Prohibition - Technical correction**  
**Chapter 26.05                      Sea Urchin Drag Regulation - Technical correction**

**CONCISE SUMMARY:** The term coastal waters would replace territorial waters or seas for consistency with the statutory definition of Maine's coastal waters pursuant to 12 M.R.S.A. §6001(6) and the zone boundary definitions in 12 M.R.S.A. §6749(N).

### **26.01 Nighttime Harvesting Prohibition**

It shall be unlawful to fish for or take sea urchins during the nighttime hours between sunset as defined in 12 M.R.S.A. §6001(46) and sunrise as defined in 12 M.R.S.A. §6001(45) within Maine's coastal ~~territorial~~ waters.

### **26.05 Sea Urchin Drag Regulation**

It shall be unlawful to fish for, possess or take sea urchins with a drag, or combination of drags, in excess of 5 feet six inches effective fishing width (by measuring from the extreme outside of the mouth of the drag or drags), within Maine's coastal waters, ~~territorial seas~~.